

Message Text

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ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 EB-11 COME-00 TRSE-00 IO-14

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

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FM AMEMBASSY ACCRA

TO SECSTATE WASHDC 2530

INFO AMEMBASSY LONDON

AMEMBASSY THE HAGUE

AMEMBASSY LAGOS

AMEMBASSY MADRID

C O N F I D E N T I A L ACCRA 0846

E.O. 11652: GDS

TAGS: EMIN BGEN PFOR GH

SUBJ: MANGANESE: TERMINATION OF PHIBRO (ENGELHARD) CONTRACT

REF: STATE 026738 (NOTAL)

1. WE ARE NOT AWARE OF ANY GHANA LAW WHICH PRECLUDES OR INVALIDATES GOG CONTRACTS WITH COMPANIES OUTSIDE GHANA WHICH VIOLATE UN RHODESIAN SANCTIONS, OR WHICH DO BUSINESS WITH SOUTH AFRICA. BUT THERE IS LEGALLY NOTHING TO PREVENT NRC FROM ISSUING DECREE EMPOWERING ITSELF TO DO SO, EVEN RETROACTIVELY, AND EVEN IN RESPECT TO ONE SPECIFIC COMPANY. IN COMPLIANCE UN RESOLUTIONS, HOWEVER, THERE ARE LAWS PREVENTING GHANAIA FIRMS FROM CONDUCTING BUSINESS WITH OR TRANSFERRING FUNDS TO RHODESIA. (MOST FOREIGN COMPANY SUBSIDIARIES IN GHANA ARE REGISTERED AND INCORPRATED LOCALLY AS GHANIAN FIRMS, BUT PHIBRO, WHICH HAS NO PERMANENT OFFICE IN GHANA, IS NOT INCORPORATED HERE AS FAR AS WE KNOW.)

2. WE UNDERSTAND PHIBRO HAS INFORMALLY RETAINED PROBABLY THE BEST POSSIBLE LEGAL ADVISER IN THE CIRCUMSTANCES, SOLICITOR GENERAL SAM

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ASANTE, TO TAKE EFFECT UPON ASANTE'S RESIGNATION, WHICH WE HAVE

HEARD MAY TAKE PLACE IN SEVERAL MONTHS. (ASANTE HAS ATTEMPTED RESIGN
ON AT LEAST TWO PREVIOUS OCCASIONS BUT HIS RESIGNATION NOT ACCEPTED
BY NRC.) MEANWHILE PHIBRO HAS BEEN IN CONTACT WITH ASANTE IN HIS
OFFICIAL CAPACITY ON ITS CONTRACT PROBLEM. WE EXPECT ASANTE WOULD
TRY TO HANDLE MATTER OUTSIDE COURTS TO EXTENT POSSIBLE AND PREVENT
SURFACING OF RHODESIAN OR SOUTH AFRICAN ISSUES AS DETRIMENTAL TO
PHIBRO CAUSE IN GHANA (AND PERHAPS ALSO IN NIGERIA, WHERE PHIBRO
MAY WISH BUT CRUDE OIL. IF PHIBRO CONTESTED GOG DECISION IN
GHANAIAAN COURTS, IT WOULD PROBABLY BUY A DIFFICULT LAWSUIT AND FIND
ITSELF PUBLICLY CHARGED WITH AIDING AND ABETTING RACISM AND
APARTHEID.
HADSEL

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